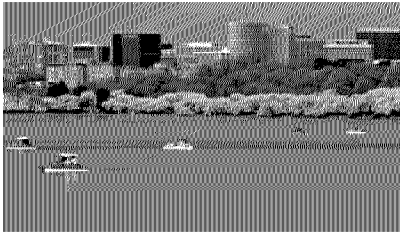


Water Law News for February 1, 2012  
Mary Grady to: Steven Neugeboren  
Bcc: Mindy Kairis

02/01/2012 09:56 AM

From: Mary Grady/DC/USEPA/US  
To: Steven Neugeboren/DC/USEPA/US@EPA  
Bcc: Mindy Kairis/DC/USEPA/US



## WATER LAW NEWS FEBRUARY 1, 2012

BNA, Inc.

### Daily Environment

REPORT

#### HIGHLIGHTS

##### *Chesapeake Bay*

#### **Advocates Want Rigorous Regulation Of Nutrient Trading in Bay Watershed**

Nutrient trading could be a cost-effective way to reduce nutrient and sediment pollution in the Chesapeake Bay watershed, but only if it is rigorously administered and nonpoint pollution reduction technologies are subject to independent...

##### *Enforcement*

#### **Horizon Lines to Pay \$1 Million to Settle Criminal Charges for Ship's Oil Discharge**

SAN FRANCISCO—Horizon Lines LLC agreed to plead guilty and pay \$1.5 million to settle criminal charges the North Carolina company falsely stated a ship at the Port of Oakland properly discharged oily water, the company announced Jan....

##### *Invasive Species*

#### **Report Identifies Ways to Separate Basins Of Great Lakes, River to Thwart Asian Carp**

LANSING, Mich.—Separating the Great Lakes and Mississippi River basins by constructing four barriers along Chicago waterways would be a cost-effective way of stopping the spread of invasive species between the two water systems,...

##### *Oil Spills*

#### **Judge Rules Halliburton Not Liable For Third-Party Claims in Gulf Spill**

HOUSTON—The federal judge overseeing the BP oil spill multidistrict litigation ruled Jan. 31 that Halliburton Energy Services is not liable for third-party compensatory claims for pollution or contamination under its contract...

##### *Regulatory Policy*

#### **White House Issues Final Reports On Effort to Curb Burdensome Rules**

The White House Jan. 30 highlighted what it sees as clear progress in curbing overly burdensome or duplicative federal regulations, releasing final reports on deregulatory efforts spanning 26 executive branch agencies....

##### *Science Policy*

#### **EPA Told to Integrate Science Throughout Programs**

A Science Advisory Board committee Jan. 31 approved a draft report urging the Environmental Protection Agency to better integrate science throughout its programs and regions, noting that practices at EPA vary. The decision clears the way...

##### *Water Pollution*

#### **EPA Issues New Draft Wastewater Permits For Arctic Offshore Oil Industry Operations**

ANCHORAGE, Alaska—The Environmental Protection Agency on Jan. 30 released new draft wastewater discharge permits for oil-industry operations in Alaska's Beaufort and Chukchi seas....

##### *Water Pollution*

#### **EPA to Distribute \$9.8 Million in Beach Grants**

The Environmental Protection Agency announced Jan. 31 that it is distributing \$9.8 million in beach monitoring grants to 38 states, tribes, and territories. EPA also said it had launched an improved version of its website, BEACON. The website...

##### *Water Pollution*

#### **Green Infrastructure Should Be Option, Not Mandate for States, Rendell Says**

Former Pennsylvania Gov. Edward Rendell (D) said Jan. 31 that states should not be required to incorporate green infrastructure into their planning for water and transportation infrastructure....



#### **POTWs Raise Fears Over Integrated Permit Plans As EPA Launches Hearings**

As EPA launches a series of public meetings on its plan to integrate municipalities' wastewater and stormwater requirements, wastewater treatment industry officials say a number of issues are likely to emerge as flashpoints as the framework gets more specific, including the role of asset management, the use of

green infrastructure to attain numeric pollution reductions and how flexible the agency will be with permittees.

### Obama To Seek Modest EPA Funding Cut In FY13 With \$8.3 Billion Budget

President Obama is expected to propose cutting EPA's budget to \$8.3 billion in fiscal year 2013 -- down roughly \$100 million from its current \$8.4 billion enacted funding level -- says an agency source, a move likely to draw concern from EPA union officials and others who fear agency budget cuts are hampering core agency programs.

#### Latest Blogs

##### NAHB Seeks To Rehear 'Navigable Waters' Case

A federal appellate court is asking EPA to respond to homebuilder's claim that the court improperly dismissed a challenge to the agency's controversial decision that . . .

##### Industry Seeks Water Infrastructure Boost

Following President Obama's call in his State of the Union address to fund improvements to the nation's infrastructure, private water utilities are urging the president . . .



## WATER POLLUTION: Bill seeks to block EPA from imposing rules on Fla.

Paul Quinlan, E&E reporter

Published: Wednesday, February 1, 2012

Rep. Steve Southerland (R-Fla.) filed a bill yesterday to let Florida, not U.S. EPA, set the state's water quality standards.

The [legislation](#) is an attempt to block EPA from following through on rules finalized in 2010 and set to take effect in March that would set tougher limits on pollution in the state's waters.

EPA, which has said it would consider revised rules proposed by the Florida Department of Environmental Protection, has sought to push its own effective date back to June to give the state more time. Florida Statehouse lawmakers are working to approve the state's revised rules.

The rules EPA has proposed stem from a lawsuit filed by environmental groups that led the agency to determine in 2009 that previous state-set standards failed to comply with the Clean Water Act.

At issue is the phosphorus and nitrogen pollution from farm runoff and urban sewage and wastewater treatment discharges, which trigger algae blooms in rivers, lakes and streams that kill fish and render the water unfit for human contact.

Industry groups, state government agencies and Republican lawmakers such as Southerland have blasted EPA's proposed standards as being too heavy-handed and expensive to implement, saying they would inflate water bills and hinder economic recovery.

Southerland's bill includes the support of the Florida Chamber of Commerce, Florida Farm Bureau, Associated Industries of Florida and the Florida League of Cities.

"We stood on the steps of Florida's Historic Capitol today not as Democrats and not as Republicans," Southerland said of the news conference Monday in Tallahassee where he announced plans to introduce his bill. "We are not separated by titles or economic interests. We speak with one voice as Floridians. Our bill reinforces the bipartisan work being accomplished in the Florida Legislature to ensure that no one has greater control in determining the health of our waterways than ourselves. This effort has proven that we can, as citizens, still work together to strengthen our economy and preserve our treasured natural resources."

## WATER POLLUTION: EPA offers \$10M for beach cleanups, launches monitoring website

Jeremy P. Jacobs, E&E reporter

Published: Tuesday, January 31, 2012

U.S. EPA announced plans today to distribute nearly \$10 million for beach cleanups and programs designed to protect the health of swimmers.

The agency is providing \$9.8 million in grants to 38 states, territories and tribes.

Additionally, EPA announced the launch of BEACON, a [website](#) designed as a one-stop shop for advisories, closings and other information for the country's more than 6,000 beaches.

The website, EPA said, is built to be updated every two hours based on new data from states, tribes and territories. It will include information on water quality such as the results of monitoring for pollutants like bacteria and algae.

Bacterial contamination, which can cause acute sicknesses, is the main cause for beach advisories and closings in the United States,

EPA said. Beach bacteria can come from sewers, stormwater, boat waste and malfunctioning septic systems.

EPA said the grants will be used to monitor for bacteria and other pollutants.

Today's announcement marks the 12th year EPA has provided beach cleanup grants. In sum, the agency has doled out nearly \$111 million. The agency said that as a result of the grants, the number of beaches monitored for pollutants has tripled to more than 3,600 in 2010.

## OIL AND GAS: Pavillion, Wyo., residents say state ignored polluted water

Mike Soraghan, E&E reporter

Published: Tuesday, January 31, 2012

The people in Pavillion, Wyo., with contaminated groundwater have a message for the members of Congress who will be talking about them tomorrow: The state has done nothing to help.

"The people of Pavillion area were ignored and minimized by their state government," said John Fenton, a Pavillion landowner and leader of a local group called Pavillion Area Concerned Citizens, in a conference call today. "They looked to the state to provide answers and help. There was no help from the state or the natural gas industry."

### SPECIAL REPORT



A new wave of drilling, fueled by the practice some call "fracking," is promising prosperity and energy security for the country. E&E investigates whether anyone is ensuring it's done right. [Click here](#) to read the report.

Fenton also said that he and other landowners were disappointed that no one from their community was invited to testify at tomorrow's hearing before the Energy and Environment Subcommittee of the House Science, Space and Technology Committee. The hearing will highlight the question of whether states or the federal government should regulate drilling (*E&E Daily*, Jan. 30). Fenton said he suspects lawmakers did not want to hear what Pavillion residents have to say.

"It's too powerful," he said.

State officials have dismissed EPA's finding that hydraulic fracturing by natural gas drilling companies contaminated the aquifer under Pavillion, as has Encana Corp., the area's primary driller. Both have also disparaged the federal agency's methods and criticized it for not releasing information. Republican officials in charge of the hearing made clear that they share those sentiments, titling the hearing "Fractured Science."

But the residents of the central-Wyoming community are jumping to the defense of EPA, an agency that has found itself under constant attack from the Republican House.

"You always hear the skeptics down-talk the EPA, but for us it has been nothing but a positive experience working with the EPA," Fenton said. "They're being attacked for doing their jobs."

Wyoming Oil and Gas Supervisor Tom Doll will be making the state's case in tomorrow's hearing. Doll joined in a press release from Mead's office criticizing EPA's findings, suggesting in particular that EPA might have contaminated the groundwater itself when drilling a monitoring well (*E&ENews PM*, Dec. 8, 2011).

EPA will be represented at the hearing by Jim Martin, the administrator of the agency's Denver-based regional office, which administers EPA activities in Wyoming. He will replace Paul Anastas, EPA's science adviser and assistant administrator for the Office of Research and Development, who had been scheduled to testify separately from Doll and other witnesses. Martin will be seated at the table with the other witnesses.

Industry will be represented by Kathleen Sgamma, vice president of government and public affairs for the Denver-based Western Energy Alliance. She is expected to criticize EPA for rushing its report.

"In a situation like Pavillion where the conclusions were rushed out without proper review and verification, it raises the question of undue political influence," Sgamma will say, according to her prepared [testimony](#).

At tomorrow's hearing, lawmakers could also bring up EPA's decision to intervene in a drilling-related water contamination case in Dimock, Pa. Cabot Oil & Gas Corp., which was fined by the state for allowing gas to leak into the water supply, today criticized EPA's decision to intervene.

"It appears that EPA selectively chose data on substances it was concerned about in order to reach a result it had predetermined," Cabot said in a [position paper](#) issued today.

Also today, the National Ground Water Association, a trade association, recommended some principles to be used when developing policy about hydraulic fracturing. Among the [principles](#) are disclosure to regulators of the chemicals used in fracturing, proper construction and maintenance of wells, development of water supply plans and best management practices to prevent spills.

## GULF SPILL: Judge rules on Halliburton's Deepwater Horizon liability

Lawrence Hurley, E&E reporter

Published: Tuesday, January 31, 2012

A federal judge today ruled that Halliburton Co.'s exposure to financial penalties relating to the Deepwater Horizon disaster are somewhat limited by its contract with BP PLC.

U.S. District Judge Carl Barbier of the Eastern District of Louisiana held that the contract indemnifies Halliburton over compensatory damages related to the April 20, 2010, explosion and resulting spill at the Macondo well, including the cleanup costs -- even if it is determined that the company was grossly negligent. That means BP would have to pay.

But Halliburton, which was the cement contractor at the well, will not be protected from potential punitive damages or civil penalties under the Clean Water Act, which could be in the billions of dollars.

Barbier, who is presiding over the multi-district litigation against BP and its co-defendants, deferred reaching any decisions concerning BP's claims that Halliburton had breached its contract, which could nullify the indemnification agreement.

His decision today largely echoed his ruling last week on a similar indemnification agreement BP had with Transocean Ltd., the rig owner (*Greenwire* , Jan. 27).

One difference between the agreements is that Halliburton is indemnified even it is determined that it was grossly negligent.

A spokeswoman for Halliburton said the company "agrees with the ruling to the extent that it requires BP to honor its contractual indemnity obligations."

BP said in a statement that "official investigations have concluded that Halliburton played a causal role in the accident" and highlighted the fact that "if Halliburton is found to have committed fraud, then the indemnity could be void."

[Click here](#) to read the order.

## OIL AND GAS: Bristol Bay, SoCal lease proposed for House drilling bill

Phil Taylor, E&E reporter

Published: Wednesday, February 1, 2012

The House Natural Resources Committee this morning will consider substitute language for an offshore drilling bill that would reinstate a canceled lease sale in Alaska's Bristol Bay and add a lease with restricted drilling off California's Santa Barbara coast.

The proposals would be added to Rep. Steve Stiver's (R-Ohio) **H.R. 3410**, which would require new lease sales in oil-rich areas of the Atlantic and Pacific oceans and the eastern Gulf of Mexico, as well as set national production goals. The bill is part of a trio of Republican energy measures designed to raise new revenue for highways projects.

The bills are expected to draw heated partisan debate over how much money they would raise and at what environmental cost (*E&E Daily* , Jan. 30).

In addition to the Bristol Bay lease, the Stivers amendment would add a lease off the Santa Barbara coast that would allow drilling only from existing platforms or from the shore.

The revised bill would also allow the Interior Department more flexibility to lease water off the Virginia coast without disturbing the military and would change the boundaries of the eastern Gulf planning area. In addition, it would extend a moratorium on leasing in the eastern Gulf until 2025 but would allow three small lease sales with significant military protections, a Republican committee aide said.

The other two bills in today's markup would allow limited exploration in the Arctic National Wildlife Refuge and reinstate a scrapped George W. Bush administration plan to promote oil shale development in the West. Republicans have proposed adding "Buy American" language to all three bills.

Past proposals to lease in Bristol Bay have met fierce opposition from environmental groups, commercial fishers, native communities and businesses, which argue the area is a cash-cow for its fish, scenery and recreational opportunities. The waters north of the Aleutian Islands contain one of the world's largest salmon fisheries.

"There's just some places where drilling just does not make sense," said Marilyn Heiman, director of the Pew Environment Group's U.S. Arctic program.

The Bush administration proposed a Bristol Bay lease sale for 2011 as part of its five-year leasing plan, but the plan was yanked in early 2010 by the Obama administration, which spared the area from leasing through 2017.

Interior Secretary Ken Salazar last June told environmental groups that he planned "additional administrative action" on the bay, a promise that drew scrutiny from Alaska's congressional delegation (*E&E Daily* , June 10, 2011).

"We need to now work together with the administration, with White House and as well as with Congress, to figure out how we can move forward with permanent protection of Bristol Bay," Salazar said at the Capitol Hill Oceans Week in 2010.

The former Minerals Management Service in 2008 described the 5.6-million-acre planning areas as "gas prone."

## Other amendments

Democrats will propose an alternate plan for raising revenues that would require oil companies to renegotiate leases purchased in the 1990s under a law that exempts them from paying royalties.

The proposal by Rep. Ed Markey (D-Mass.), the committee's ranking member, would save taxpayers \$53 billion over the next couple decades in recovered revenue.

There will also be an amendment to protect Florida's eastern coast from drilling, said Markey spokesman Eben Burnham-Snyder.

[Click here](#) to read the substitute amendment for H.R. 3410.

## KEYSTONE XL: Reid says he'll consider pipeline if crude is not exported

Elana Schor, E&E reporter

Published: Wednesday, February 1, 2012

Senate Majority Leader Harry Reid (D-Nev.) yesterday linked his opposition to the Keystone XL pipeline to the potential that other countries could benefit from the crude it carries, intensifying his party's association with the anti-export message being used against the controversial project.

Reid wrote a letter to the Obama administration last fall that slammed the \$7 billion pipeline as "increasing our dependency on unsustainable supplies of dirty and polluting oil that could easily be exported." In remarks to reporters yesterday, he vowed to oppose any fast-tracking of the XL link unless "the oil is not sold to other countries."

If Republican proponents of a bill that would override President Obama's veto of the 1,700-mile project can ensure that its fuel supplies would remain in the United States, Reid added, "then I'll take a look at it."

The refining industry is beginning to push back against Democratic condemnation of Keystone XL as a giveaway to oil companies seeking new export markets for the Canadian and Midwestern crude that it would carry. With Republicans and Democrats claiming that the politically volatile pipeline would have the opposite effect on pump prices -- the GOP vowing cheaper gas, Democrats predicting an increase -- the export message is one that could resonate with voter concern about high U.S. gas prices in the run-up to the summer driving season (*Greenwire* , Jan. 31).

Republicans continue to push for the pipeline as an add-on to the two most high-priority bills moving through Congress, a new long-term transportation bill and payroll tax cuts (*see related story* ). That effort only adds to the pressure on Reid to keep Keystone XL, bitterly opposed by greens due to the heavy emissions of its Canadian crude, on the sidelines in his chamber.

House Minority Whip Steny Hoyer (D-Md.) yesterday exemplified the downside risk to Democrats of more pipeline debate, telling reporters that he believes the project "has merit" even as he warned that any attempt to "jam the president" on the XL link would alienate his party (*E&ENews PM* , Jan. 31).

## LITIGATION: Tester bill would task DOJ with tracking legal fees to enviro, other groups

Lawrence Hurley, E&E reporter

Published: Wednesday, February 1, 2012

Sen. Jon Tester (D-Mont.) introduced a bill this week that would require the Justice Department to compile a full list of attorneys fees paid out to environmental groups and other litigants who win certain cases against the federal government.

Such payments are made under the Equal Access to Justice Act when the federal government loses cases under statutes that do not specifically call for attorneys fees to be paid.

Since Republicans withdrew funding in 1995 for an agency -- the Administrative Conference of the United States -- that had tracked payments made under EAJA, agencies have been left to track their own payments, with limited success (*Greenwire* , March 3, 2011).

Some Republican members of Congress have claimed that environmental groups have gamed the legal system in order to win attorneys fees.

The Administrative Conference has since been resurrected, but Tester's one paragraph bill, S.B. 2042, introduced Monday, would require DOJ to take on the job of compiling a report every year that would be publicly available.

Tester, who is running for re-election in November, said in a statement that reviving the reporting requirement is purely about accountability.

"Government works best with full transparency -- when all taxpayers can see where their money is going," he added.

House Republicans have moved forward with their own bill to reform EAJA.

In November, legislation introduced by Rep. Cynthia Lummis (R-Wyo.), [H.R. 1996](#), was approved by the House Judiciary Committee. But the measure had been watered down from the original version Lummis filed ([E&ENews PM](#) , Nov. 17, 2011).

The bill, which would prevent payments to groups with a net worth of more than \$7 million, contains different reporting requirements.

It would require the Administrative Conference to consolidate all the reports made by federal agencies and set up a searchable online database.

Environmental groups have said they would not be opposed to greater transparency concerning the payment of attorneys fees.

## MINING: Industry blasts Forest Service management plan

Manuel Quinones, E&E reporter

Published: Tuesday, January 31, 2012

Mining companies and their lobbying groups say the Obama administration's proposed plan for the conservation and use of national forests could threaten their ability to exploit the nation's coal and mineral wealth.

The proposed Forest Service planning rule, released last week, is meant to protect wildlife while promoting other uses like logging and grazing on almost 200 million acres of national forestland. It's also billed as a way to improve public collaboration and the use of best science practices.

"Unfortunately," the National Mining Association said in comments yesterday, "the regulatory language fails to address the concerns the National Mining Association raised in May 2011 comments."

Forest Service leaders say the proposal, expected to be finalized in the coming days, puts a stronger emphasis on recreation and protecting forest waterways, which are valuable for fishing and other human needs. It's meant as a guiding document for individual land management plans and a way to reduce lawsuits.

But NMA noted "the failure to learn from previous planning rule attempts by including similar overly ambitious, complex and costly requirements that will be ripe for further litigation."

Companies contend that the latest plan, like previous attempts, fails to take into enough account the industry's legal ability to explore and extract mineral resources from public lands, especially under the 1872 federal mining law.

"The Forest Service needs to stop chasing after overly ambitious rules that will not withstand legal challenges and instead pursue a rule that has the Congressionally mandated requirements of multiple use and sustained yield as its guiding principles," NMA general counsel Katie Sweeney wrote in a comment letter last year.

The NMA also worries about coal development, saying the Forest Service needs to better incorporate the federal government's coal management program into its plans.

"We recognize the demand for minerals and energy, including renewable sources," the Forest Service wrote. "When developing plan components for integrated resource management, the responsible official will consider renewable and nonrenewable energy and mineral resources, land status, and the appropriate placement and sustainable management of infrastructure."

Agriculture Secretary Tom Vilsack and Forest Service Chief Tom Tidwell said agency workers reviewed more than 300,000 public comments in what they call their most collaborative rulemaking effort.

"Finalizing a new rule will move us forward in managing our forests and grasslands," Tidwell said in a statement, "and will create or sustain jobs and income for local communities around the country."

While some environmentalists hailed the plan as a way to better protect the nation's natural resources, others said the Forest Service was not being bold enough in safeguarding fish and wildlife ([E&ENews PM](#) , Jan. 26). Conservation advocates in general say that federal officials have the legal leeway to limit mining and other public land uses they deem harmful.

Just yesterday, the Center for Biological Diversity and the Sierra Club threatened to sue the Forest Service over potential coal development ([E&ENews PM](#) , Jan. 30). They say a proposed land swap will hurt bats living in the Shawnee National Forest in Illinois.

But Laura Skaer, executive director of the Northwest Mining Association, a lobby group for the hardrock mining industry, warned against Forest Service overreach in a strongly worded letter in May.

"While the Forest Service does have the authority to regulate the surface use of locatable mineral activities to ensure compliance with all applicable environmental law and regulations, the Forest may not prohibit locatable mineral activities that comply with the applicable

laws and regulations," the NWMA wrote. "To do so would constitute an illegal withdrawal."

The NWMA also worries about the Bureau of Land Management's new plans to protect the sage grouse. The industry fears these protections could put additional lands off-limits to mining.

## **NATURAL GAS: E.U. fracking regs OK for now -- study**

Published: Tuesday, January 31, 2012

Current environmental legislation is sufficient to cover Europe's nascent shale gas industry -- at least for the time being -- according to a new study published by the European Commission.

Shale gas exploration activities are already subject to E.U. and national laws and regulations, said the report, which was penned for the European Commission by Belgian law firm Philippe & Partners.

"Neither on the European level nor on the national level have we noticed significant gaps in the current legislative framework when it comes to regulating the current level of shale gas activities," the study said.

But Europe has no commercial-scale explorations under way yet, and the report acknowledged that as exploration ramps up, further regulation may be needed.

Poland, which is eager to shrug off its dependency on Russian gas, will likely lead Europe's shale gas development. Prime Minister Donald Tusk last year said Poland will begin commercial scale gas production in 2014. The U.S. Department of Energy last year estimated that Poland has enough shale gas to provide the country with fuel for 300 years.

European shale gas developers are facing some of the same environmental concerns as developers in the United States. Earlier this month, thousands of Bulgarians protested against shale gas exploration, citing fears about water contamination, earthquakes and health hazards (Ana-Maria Tolbaru, [\*London Guardian\*](#) , Jan. 30). -- AS

## **OFFSHORE DRILLING: U.S. not ready for oil spill off Cuba -- experts**

Published: Tuesday, January 31, 2012

The United States is not ready to handle an oil spill off the Cuban coast, experts told government officials yesterday as they called for better monitoring systems and other basic steps.

The comments yesterday came during a congressional subcommittee hearing in Florida and about a week after a giant oil rig leased by Spanish energy firm Repsol YPF arrived in Cuban waters to begin drilling a deepwater exploratory well. Similar development is expected off the Bahamas next year.

Florida International University professor John Proni, who is leading a consortium of researchers on U.S. spill-response readiness, urged officials to be proactive.

"For the last few years, my colleagues and I have been visiting Washington to say the best time to start preparing for an oil spill is before it happens," Proni told leaders of the House Transportation and Infrastructure Committee. But despite a positive response from officials, Proni said he has seen little action from Washington.

In the event of a spill off Cuba, current estimates suggest surface oil would travel to the Gulf stream at a rate of about 3 mph, but oil would have difficulty crossing the Florida Straits. It would likely take six to 10 days for crude to spread and reach U.S. waters, said Rear Adm. William Baumgartner, commander of the Coast Guard region that covers the Florida Straits.

Three Cuban-American U.S. representatives from Florida attended yesterday's hearing and pushed a range of options.

Rep. Ileana Ros-Lehtinen (R) has authored a bill that would sanction those who help Cuba develop its oil reserves.

"We can't stop Repsol from drilling now, but we can act to deter future leaders to avoid the Castro brothers becoming the oil tycoons of the Caribbean," she told the committee ([\*AP/Birmingham News\*](#) , Jan. 30). -- AS

## **GREAT LAKES: Blocking Mississippi River would stop Asian carp -- commission**

Published: Tuesday, January 31, 2012

A new study released today outlines how Chicago waterways could be closed off from the Great Lakes to keep invasive species from moving between them.

The privately funded study from the Great Lakes Commission, which cost \$2 million to complete, proposes three ways to reroute barge traffic. Funding would need to be approved by Congress, and the proposals would cost taxpayers between \$3.3 billion and \$9.5 billion. Any of the proposals would take at least a decade to complete.

Separating the lakes from other watersheds would create jobs and could end up being cheaper than spending money to fight the invasive species, such as Asian carp and sea lamprey, that threaten the lakes, the study said.

Some scientists fear Asian carp could take over the Great Lakes. More than \$80 million was spent fighting Asian carp in the past two years from federal Great Lakes funds. Another \$20 million per year was spent fighting sea lamprey.

"Physically separating the Great Lakes and Mississippi River watersheds is the best long-term solution for preventing the movement of Asian carp and other aquatic invasive species, and our report demonstrates that it can be done," said Tim Eder, executive director of the commission.

A legislative attempt last year to close Chicago-area locks to keep out carp failed in Congress.

A similar study by the Army Corps of Engineers is due in late 2015. Rep. Dave Camp (R-Mich.) said in a statement that he and Sen. Debbie Stabenow (D-Mich.) will press the Army Corps to build on the work in the new study to speed up its actions (Tina Lam, *Detroit Free Press*, Jan. 31). -- JE

## ClimateWire

**TODAY'S EDITION: Wednesday, February 1, 2012 -- 08:08 AM** [Read full edition](#)

### 1. POLITICS:

#### Romney takes Florida with variety of weapons, including a climate attack

TAMPA, Fla. -- Mitt Romney's crushing victory in Florida spoiled Newt Gingrich's southern momentum with a barrage of personal attacks, including one about the former speaker's views on climate change that the son of Ronald Reagan said gives conservatives "cardiac arrest." The strong finish by the former Massachusetts governor, who gained 46.4 percent of the vote to Gingrich's 31.9 percent, rode a wave of aggressive jabs criticizing Gingrich's ethics as speaker, his connections to Freddie Mac and his conviction as a conservative. [Go to story #1](#)

## TODAY'S STORIES

### 2. HEALTH:

#### New study estimates years of expected life lost due to extreme temperatures

### 3. TRADE:

#### Unions protest China's 'massive' subsidies for its auto industry

### 4. WIND POWER:

#### China's No. 2 turbine maker secures \$5.5B from state bank

### 5. FINANCE:

#### New World Bank funding approach riles green groups

### 6. CLEAN TECH:

#### U.S. venture activity dropped slightly in 2011 -- Ernst & Young

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#### Ending 'energy poverty' raises more questions than answers

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#### Forestry initiative could suffer from 'top-down' approach, says social entrepreneur

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#### Companies that release emissions information see boost in value -- study

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#### New rules may limit European ship pollution

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#### E&ETV's OnPoint

### 13. OIL AND GAS:

#### Bold Nebraska's Kleeb discusses state's view of Keystone debate

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